

REMARKS

Applicant, by the amendments presented above, has made a concerted effort to present claims which more clearly define over the prior art of record, and thus to place this case in condition for allowance.

Allowable Claims

The Examiner indicated that claims 20-25, 27, 28, 30, 31, 34-37 and 48-73 have been allowed. Claims 69 and 70 have been amended to correct possible §112 rejections.

Applicants submit that these amendments do not effect the allowability of the claims.

The Examiner indicated that claims 8, 10-13, 16-18, 39 and 41 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 U.S.C. §102

Claims 1, 3, 4, 7, 14, 15, 38, 40, 44 and 45 were rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 3,627,366 to Cerutti. Reconsideration and allowance of the claims is requested in view of the amendments and remarks provided herein.

Independent claim 1 has been amended to include the limitations of claim 19 therein. Therefore, Applicant submits that this rejection related to claim 1 and its dependent claims is moot. Amended claim 1 and its dependent claims will be addressed as being rejected under 35 U.S.C. §103 as being unpatentable over Cerutti.

Claim 38 now specifies “a lock provided at an end of said lockrod for preventing rotational movement of said lockrod when said lock is engaged with corresponding structure on the trailer; a handle assembly connected to said lockrod and configured for actuation to rotate said lockrod; and a thrust bearing disposed between said end cap and said lock, said thrust bearing being in direct contact with said end cap and with said lock, said thrust bearing being rotatable relative to said end cap and relative to said lock.” As a result, claim 38 has been broadened to define that structures other than cams per se can be provided. As discussed in the patent application as originally filed on page 14 the first paragraph, the thrust bearings provide support when the lockrod is rotated in the sleeve, allow for ease of rotation between the end cap and the lock, provides for smooth rotation between the end cap and the lock, and tightens up the door hardware.

Applicant submits that Cerutti does not disclose a thrust bearing disposed **between**, and in **direct contact with**, the end cap and the lock, which lock is provided at an end of said lockrod for preventing rotational movement of said lockrod when said lock is engaged with corresponding structure on the trailer. The lock (previously defined as a cam) in Cerutti is lock 5 or 6. As defined by the Examiner, and with which Applicant agrees, the end cap is element 11, 12 and the thrust bearing is element 15. As is clearly shown and described in Cerutti, thrust bearing 15 is **not** provided **between** the lock 5 and the end cap 11, 12 and is **not** in **direct contact with** the lock 5 as defined in claim 38. Likewise, thrust bearing 15 is **not** provided **between** the lock 6 and the end cap 11, 12 and is **not** in **direct contact with** the lock 6 and end cap 11, 12 as defined in claim 38. Therefore, the benefits as realized by the construction of the present invention as defined in claim 38 are not realized in Cerutti.

Therefore, Applicant submits that Cerutti does not anticipate claim 38 and further cannot be modified to render obvious claim 38. Reconsideration and allowance of claim 38 is respectfully requested.

Claims 40, 44 and 45 are dependent upon claim 38 which Applicant submits is in condition for allowance. Reconsideration and allowance of claims 40, 44 and 45 is requested.

Claim Rejections - 35 U.S.C. §103

Claims 19 and 47 were rejected under 35 U.S.C. §103 as being unpatentable over Cerutti. Claim 47 is dependent upon claim 38 which Applicant submits is in condition for allowance. Reconsideration and allowance of claim 47 is requested.

Claim 1 has been amended to specify “a continuous sleeve mounted on the door of the trailer” and further includes the limitations of claim 19 which state “a handle assembly connected to said lockrod and external to said sleeve, said handle assembly hanging below the door”.

The sleeve 10 in Cerutti is not continuous along its length. Instead, Cerutti has a break in the sleeve to accommodate the handle. Cerutti recognizes that this creates a weakness in the sleeve and provides strengthening piece 19 in an attempt to overcome same. As is specified in application as originally filed on page 27, the provision of the full length sleeve reinforces the door from bending (in the same manner as a post in a side wall of the trailer), and takes the thrust load along the entire height of the door. Also, the sleeve allows for a smooth decal on the rear doors of the trailer. Because Cerutti does not provide for a continuous sleeve, these advantages provided by the present invention are not fully realized or fully recognized in Cerutti.

Because of this construction, the handle in Cerutti does not hang below the door as is specified in amended claim 1. Applicant strongly disagrees with the Examiner that the provision of the handle below the door is a rearrangement of parts which involves only routine skill. Cerutti does not provide any suggestion that such a "rearrangement" can be made, nor does the prior art as a whole. In addition, Applicant strongly disagrees with the Examiner's assertion that "applicant does not state that the position of the handle assembly solves any relevant problem or is arranged for a particular purpose". As is specified on page 14, the second paragraph and on page 20, the first full paragraph, the handle assembly is provided below the doors such that when the doors are swung to the open position, the handle assembly will not bear against the side walls and will instead bear against the metal base rail. Therefore, the handle assembly will not damage the sidewalls of the trailers when the doors are opened.

Therefore, Applicant submits that Cerutti does not render obvious amended claim 1 and further cannot be modified to render obvious amended claim 1. Reconsideration and allowance of amended claim 1 is respectfully requested.

Claims 3, 4, 7, 14 and 15 are dependent upon claim 1 which Applicant submits is in condition for allowance. Reconsideration and allowance of claims 3, 4, 7, 14 and 15 is requested.

Claims 5, 6, 42, 43 and 46 were rejected under 35 U.S.C. §103 as being unpatentable over Cerutti in view of United States Patent No. 4,660,872 to Carson and further in view of United States Patent No. 3,451,705 to Turpen. Claims 5 and 6 are dependent upon claim 1 which Applicant submits is in condition for allowance. Reconsideration and allowance of claims 5 and 6 is requested. Claims 42, 43 and 46 are dependent upon claim 38 which


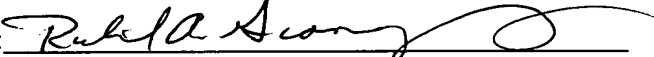
Applicant submits is in condition for allowance. Reconsideration and allowance of claims 42, 43 and 46 is requested.

Claim 9 was rejected under 35 U.S.C. §103 as being unpatentable over Cerutti in view of United States Patent No. 4,082,330 to McWhorter. Claim 9 is dependent upon claim 1 which Applicant submits is in condition for allowance. Reconsideration and allowance of claim 9 is requested.

In view of the above Amendments and Remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

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